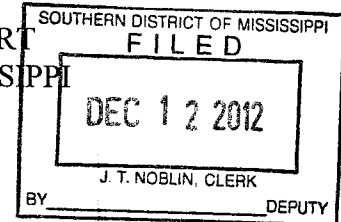


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



UNITED STATES OF AMERICA

v.

DIEGO BARBA-ORTIZ and
SAMUEL ELIAS CARLOS

CRIMINAL NO. *1:12CR103 WSG-RHW*

21 U.S.C. § 846

21 U.S.C. § 841(a)(1)

The Grand Jury charges:

COUNT 1

That beginning sometime in November, 2012 and continuing up to the date of this indictment, in Harrison County, in the Southern Division of the Southern District of Mississippi, and elsewhere, the defendants, **DIEGO BARBA-ORTIZ and SAMUEL ELIAS CARLOS**, did knowingly conspire with others both known and unknown to the Grand Jury, to possess with intent to distribute 50 grams or more of actual methamphetamine, a Schedule II narcotic drug controlled substance, as prohibited by Section 841(a)(1), Title 21, United States Code.

All in violation of Section 846, Title 21, United States Code.

COUNT 2

That on about November 28, 2012, in Harrison County, in the Southern Division of the Southern District of Mississippi and elsewhere, the defendants, **DIEGO BARBA-ORTIZ and SAMUEL ELIAS CARLOS**, aided and abetted by others known and unknown to the Grand Jury, did knowingly and intentionally possess with intent to distribute 50 grams or more of actual methamphetamine, a Schedule II narcotic drug controlled substance, as prohibited by Section 841(a)(1), Title 21, United States Code, and Section 2, Title 18, United States Code.

NOTICE OF FORFEITURE

1. As a result of the offenses specified above, the defendants, **DIEGO BARBA-ORTIZ** and **SAMUEL ELIAS CARLOS** shall forfeit to the United States, pursuant to Section 853, Title 21, United States Code, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations and any and all of the property of the said defendants used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

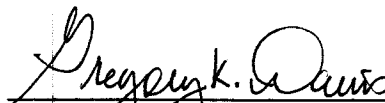
2. Further, if any of the property described above, as a result of any act or omission of the defendants: a) cannot be located upon exercise of due diligence; b) has been transferred or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of the Court; d) has been substantially diminished in value; or e) has been commingled with other property, which cannot be divided without difficulty, then it is the intent of the United States, pursuant to Section 853(p), Title 21, United States Code, to seek a judgment of forfeiture of any other property of said defendants up to the value of the forfeitable property described in this indictment or any bill of particulars supporting it.

All pursuant to Section 853, Title 21, United States Code.

A TRUE BILL:


s/signature redacted

Foreperson of the Grand Jury



GREGORY K. DAVIS
United States Attorney

This indictment was returned in open court by the foreperson or deputy foreperson of the grand jury on this the 12th day of DECEMBER, 2012.



UNITED STATES MAGISTRATE JUDGE